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Chairman: Mr. Wolf ..... (Jamaica)

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The meeting was called to order at 10.20 a.m.

Agenda item 70: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/62/L.29, A/C.3/62/L.78 to L.81)

Draft resolution A/C.3/62/L.29: Moratorium on the use of the death penalty

1. **The Chairman** drew attention to the proposed amendments to the draft resolution contained in documents A/C.3/62/L.78 to 81, which had no programme budget implications. A recorded vote had been requested on each amendment.

2. **Mr. Degia** (Barbados), introducing the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.78, said that the language of paragraph 2 (a) of the draft resolution was too harsh and implied that States maintaining the death penalty did not respect international standards. The proposed amendment was intended to introduce more conciliatory language.

3. **Mr. Llanos** (Chile), speaking in explanation of the vote before the voting, said that the sponsors of the draft resolution wished to safeguard the rights of those condemned to death; the proposed amendment would weaken their protection. His delegation would therefore vote against it.

4. **Mr. Ebner** (Austria), speaking in explanation of the vote before the voting, said that the International Covenant on Civil and Political Rights and the annex to Economic and Social Council resolution 1984/50 clearly specified that capital punishment was a human rights issue. Merely "taking into account" those international standards would be inappropriate and deny persons facing the death penalty their basic human rights.

5. With respect to paragraph 2, "encourage" would considerably weaken the language of the draft resolution. For both those reasons, his delegation would vote against the proposed amendment.

6. *A recorded vote was taken on the proposed amendment contained in document A/C.3/62/L.78.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Indonesia, Kenya, Mali, Morocco, Nigeria, Republic of Korea, Russian Federation, Sri Lanka, United States of America, Zambia.

7. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.78 was rejected by 78 votes to 66, with 17 abstentions.**

8. **Mr. Degia** (Barbados) said that the proposed amendment had not been intended to show disrespect for international standards but to introduce more conciliatory language.

9. **Mr. Attiya** (Egypt) said that his delegation had voted in favour of the proposed amendment because paragraph 2 (a) referred to an Economic and Social Council resolution, and not to a General Assembly resolution. It was the norm, in the Third Committee, to take account of resolutions adopted by bodies of a limited membership.

10. **Mr. Degia** (Barbados), introducing the amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.79, said that it was unclear why Governments were being asked, under paragraph 2 (b), to provide the Secretary-General with information on the use of capital punishment. It was more appropriate, in an open society, to make information with regard to the imposition of the death penalty available to the public.

11. **Mr. de Klerk** (Netherlands), speaking in explanation of vote before the voting, said that the observance of safeguards guaranteeing the rights of those facing the death penalty was the main objective of the annex to Economic and Social Council resolution 1984/50, which stated, inter alia, that capital punishment should be carried out pursuant to a final judgement rendered by a competent court after due process and inflict the minimum possible suffering. It was therefore only natural that States should provide information to the Secretary-General regarding the implementation of that resolution. His delegation would vote against the proposed amendment.

12. **Mr. Davide** (Philippines), speaking in explanation of the vote before the voting, said that the United Nations was the most appropriate venue for discussion of capital punishment and to receive information relating to the safeguards protecting the rights of those facing the death penalty. His delegation would vote against the proposed amendment because it would be left to the discretion of the Member States to provide information, which was unacceptable.

13. **Mr. Tarragô** (Brazil), speaking in explanation of the vote before the voting, said that paragraph 2 (b) of the draft resolution was intended to allow the Secretary-General to assess implementation of Economic and Social Council resolution 1984/50, thereby relying on information from Member States. The proposed amendment did not reflect the usual language; his delegation would vote against it.

14. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.79.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Nauru, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa,

* The delegation of the Czech Republic subsequently informed the Committee that it had intended to vote against the proposed amendment.

San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Japan, Kenya, Lebanon, Lesotho, Liberia, Mali, Mongolia, Morocco, Nigeria, Republic of Korea, Sri Lanka, Zambia.

15. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.79 was rejected by 82 votes to 59, with 19 abstentions.*

16. **Mr. Hetanang** (Botswana) said that the proposed amendment had defended the concept of territorial integrity. The sponsors of the draft resolution had disregarded any criticism of the text, refusing to discuss it during the informal meetings, and he was disappointed with the result of the voting.

17. **Mr. Attiya** (Egypt) said that paragraph 2 (b) gave the Secretary-General the right to supervise Member States, which was not his role. For this reason his delegation had voted for the proposed amendment.

18. **Mr. Degia** (Barbados), introducing the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.80, said that paragraph 2 (c) of the draft resolution was overly prescriptive and not in conformity with the language of the International Covenant on Civil and Political Rights.

19. **Ms. Cross** (United Kingdom), speaking in explanation of vote before the voting, said that the proposed amendment contained in document A/C.3/62/L.80 had not been presented during the informal discussions and, as such, should be considered as an attempt to change the object and purpose of the draft resolution.

20. Paragraph 2 (c) of the draft resolution implied that a step-by-step approach to the abolition of the death penalty could be achieved by restricting its use or reducing the number of offences for which it was imposed, in line with international standards. Her delegation would vote against the proposed amendment.

21. **Mr. Davide** (Philippines), speaking in explanation of the vote before the voting, said that the proposed amendment did not address the progressive approach towards abolishing the death penalty contained in a number of General Assembly resolutions, and was contrary to the letter and spirit of the draft resolution. His delegation would vote against it.

22. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.80.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Central African Republic, Chad, China, Comoros, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain,

Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Mali, Morocco, Republic of Korea, Sri Lanka, Turkmenistan, Zambia.

23. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.80 was rejected by 83 votes to 68, with 15 abstentions.*

24. **Mr. Attiya** (Egypt) said that although the proposed amendment might have changed the purpose of the draft resolution, it was in line with the meaning of the International Covenant on Civil and Political Rights. Paragraph 2 (c) of the draft resolution was attempting to change Member States' legal obligations.

25. **Mr. Degia** (Barbados), introducing the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.81, said that there was no international consensus on the death penalty. The sponsors of the draft resolution were trying to impose their set of values on other countries, with no respect for their sovereignty or integrity. The proposed amendment reflected the spirit of the International Covenant on Civil and Political Rights, which did not rule out the death penalty for the most serious crimes. Pressure was being put on the group of countries opposed to the draft resolution, even going as far as to threaten the withdrawal of aid.

26. **Mr. Makanga** (Gabon), speaking in explanation of vote before the voting, said that the proposed amendment was contradictory. Paragraph 2 (d) was in accordance with the title of the draft resolution, which set out to impose a moratorium on the use of the death penalty. Restricting crimes for which the death penalty might be imposed would be contrary to the thrust of the draft resolution; for that reason his delegation would vote against the proposed amendment.

27. **Mr. Davide** (Philippines), speaking in explanation of vote before the voting, said that the proposed amendment under discussion duplicated the proposed amendment contained in document A/C.3/62/L.71, which had already been rejected. Paragraph 2 (d) was at the very heart of the resolution and in keeping with the spirit of the Covenant. Furthermore, it did not impose a deadline on Member States. It merely set out to defeat the very principles of the draft resolution, and for that reason his delegation would vote against it.

28. **Mr. Vandeville** (France), speaking in explanation of vote before the voting and as a sponsor of the draft resolution, said that General Assembly resolutions 2857 (XXVI) and 32/61 had already called for the progressive restriction of offences for which the death penalty might be imposed, with a view to its abolition. The sponsors of the resolution had originally sought to introduce a resolution abolishing the death penalty but had reached a compromise during preliminary consultations to restrict the wording to a moratorium. He therefore considered that the proposed amendment was not in keeping with the spirit and letter of the draft resolution. Contrary to what a number of speakers had inferred, the sponsors had been respectful of the views of others and had included the concept of gradually introducing a moratorium in order to reflect their views. His delegation would vote against the proposed amendment.

29. *A recorded vote was taken on the amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.81.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Somalia, South Africa, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Zambia.

Abstaining:

Algeria, Bhutan, Congo, Côte d'Ivoire, Equatorial Guinea, Fiji, Ghana, Guatemala, Kenya, Lebanon, Liberia, Mali, Morocco, Republic of Korea, Sri Lanka, Viet Nam.

30. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.81 was rejected by 86 votes to 67, with 17 abstentions.*

31. **Mr. Hetanang** (Botswana) said that he regretted that the proposed amendment had been rejected, since it emphasized his own delegation's position that the death penalty was limited to the most serious crimes.

32. **Mr. Degia** (Barbados) said that he was disappointed by the outcome of the vote. The representative of France had implied that the sponsors of the amendment wanted to impose their own views on others, yet any call for a moratorium or abolition was surely an imposition on those States that chose to retain the death penalty, as was the threat by certain countries to withdraw aid.

33. **Mr. Khani** Fooyabad (Islamic Republic of Iran) said that 15 States had been absent, so it could be argued that 99 States (67+17+15) had not in fact rejected the proposed amendment.

Draft resolution A/C.3/62/L.29: Moratorium on the use of the death penalty

34. **Mr. Rastam** (Malaysia) proposed an oral amendment in a spirit of constructive engagement, that consideration of the matter should be resumed at the sixty-seventh session of the General Assembly, since the international community was evidently no closer to achieving consensus on the issue. In paragraph 5, the words "sixty-third" would therefore be replaced with the words "sixty-seven".

35. **Ms. Malinovska** (Latvia) requested a vote to reject the proposed oral amendment, which her delegation considered to be inconsistent with the need for ongoing, open and transparent dialogue on the issue.

36. **Mr. Menon** (Singapore), speaking in explanation of vote before the voting, supported by **Mr. Khani Jooyabad** (Islamic Republic of Iran), **Ms. Bowen** (Jamaica), **Mr. Degia** (Barbados), **Mr. Bart** (Saint Kitts and Nevis), **Mr. Al-Saif** (Kuwait), **Ms. Mndebele** (Swaziland), **Mr. Strigelsky** (Belarus), **Mr. Hetanang** (Botswana) and **Mr. Sergiwa** (Libyan Arab Jamahiriya), said that the debate over the past two days had demonstrated that the matter was highly controversial and divisive, with many States maintaining that it was a criminal justice issue. Nothing would be gained from reopening the question in one year's time, since delegations' positions would not have changed. His delegation would thus vote in favour of Malaysia's proposed oral amendment; he urged other delegations to follow suit.

37. **Mr. Heller** (Mexico) said that his delegation would not be supporting Malaysia's proposed amendment, since some States would only maintain the same position in five years' time.

38. **Mr. Davide** (Philippines), supported by **Mr. Makanga** (Gabon), said any postponement would only defeat the objectives of the draft resolution, since more people would be subjected to the death penalty in

the interim. The proposed amendment would render paragraph 4 meaningless.

39. **Mr. Ould Ahmed Tolba** (Mauritania) said that he supported Malaysia's proposed amendment, since it would allow the abolitionists more time to consider the positions of those States who remained in favour of the death penalty.

40. **Mr. Attiya** (Egypt) said that it would be a waste of the Organization's resources to resume such a divisive debate each year. Countries needed time to go through their own due process. They would not currently be in any position to respond to a call for a moratorium. He thus supported the proposed amendment.

41. **Mr. Nikulski** (The former Yugoslav Republic of Macedonia), supported by **Mr. Xhaferras** (Albania), said that the United Nations should continue to be used as a forum for open and constructive dialogue on the issue under the current agenda item. Malaysia's proposal was contrary both to the spirit of the Organization and the resolution itself.

42. **Mr. Vandeville** (France) urged States to reject the proposed oral amendment, which was not as benign as it appeared. The matter had been pending since 1971 and the international community could not afford to wait another five years before calling for a moratorium.

At the request of the representative of Latvia, a recorded vote was taken on the oral amendment to draft resolution A/C.3/62/L.29 proposed by the representative of Malaysia.

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Ethiopia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Namibia, Nauru, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Cambodia, Equatorial Guinea, Ghana, Guatemala, Japan, Kenya, Lebanon, Lesotho, Liberia, Mali, Morocco, Mozambique, Republic of Korea, Sierra Leone, Sri Lanka, Togo, Zambia.

44. *The oral amendment proposed by the representative of Malaysia was rejected by 84 votes to 68, with 19 abstentions.*

45. **Mr. Durdyev** (Turkmenistan) said that his vote had not been recorded. He had intended to vote against.

46. **Mr. Hoscheit** (Luxembourg) said that his vote had been incorrectly recorded. He had also intended to vote against.

47. *Following a procedural discussion in which* **Ms. Banks** (*New Zealand*), **Mr. Heller** (*Mexico*) *and* **Mr. Menon** (*Singapore*) *took part,* **Mr. Khane** (*Secretary of the Committee*) *confirmed that the vote remained valid, but that the clarifications made by the*

representatives of Turkmenistan and Luxembourg would be noted.

48. **Mr. Attiya** (Egypt) wished to propose three oral amendments to the draft resolution. A new operative paragraph should be inserted following the current operative paragraph 3. It would read "*Urges* Member States to take all necessary measures to protect the lives of unborn children". The delegations of Bahrain, Iran, Kuwait, Libya, Mauritania, Saudi Arabia and the Sudan also sponsored that amendment.

49. A second new operative paragraph should likewise be inserted following the current operative paragraph 3. It would read "*Reaffirms* that every human being has the inherent right to life and *stresses* in this regard that abortion should only be admissible in necessary cases, in particular where the life of the mother and/or the child is at serious risk". The delegations of Bahrain, Iran, Kuwait, Libya, Saudi Arabia and the Sudan also sponsored that amendment.

50. Respect for human dignity and the sanctity of life were principles revered in Islam and indeed in all religions and societies. He noted that the provisions of article 6 of the International Covenant on Civil and Political Rights guaranteed the right to life, including the right to life of the unborn child of a pregnant woman condemned to the death penalty and regretted that the draft resolution was selective and narrow in its approach to the right to life, representing an attempt by certain States to impose their views. His proposed amendments took a different approach based on the sanctity of all life, including the right to life of the unborn. If the intent of the sponsors of the draft resolution was truly to protect human life, they should have no trouble accepting his amendments. Accordingly, he also proposed that the title of the draft resolution should be changed from "Moratorium on the use of death penalty" to "Right to life", and requested that, in the case of a vote on his proposed amendments, there should be a separate vote on each amendment, in the order that they were put forward.

51. **Ms. Maiera** (Brazil) said that while a moratorium on the use of the death penalty was certainly linked to the issue of the right to life, the right to life itself was not the main focus of the draft resolution. The oral amendments proposed by the representative of Egypt would change the focus of the draft resolution and undermine its main message. Her delegation believed that the issue of the right to life deserved full consideration, but in a more appropriate context, and therefore objected to the amendments, requested a recorded vote on the amendments, and called on other Member States to follow its example and vote against them.

52. **Mr. Davide** (Philippines) said that his delegation fully supported the right to life, including for the unborn, and would support a separate resolution on that issue. The proposed amendments were not, however, germane to the subject of the draft resolution, were out of order and should not therefore be considered.

53. **Ms. Banks** (New Zealand) said that the amendments were intended to distract from the main focus of a carefully balanced text. She also called for a recorded vote on the proposed amendments. Her delegation would vote against the amendments and she urged all Member States to do likewise.

54. **Mr. Meyer** (Observer for the Holy See) reaffirmed his delegation's commitment to the right to life at all stages of life. States had a duty to take a consistent approach to the right to life and not reduce that right to a political tool, and to protect all human life, rather than choosing whose life truly had dignity and worth.

55. **Mr. Al-Saif** (Kuwait) said that the very basis of the draft resolution was respect for the right to life. His delegation therefore supported the proposed amendments, including changing the title of the draft resolution, and called on all Member States to vote in favour of the amendments.

56. **Mr. Sergiwa** (Libyan Arab Jamahiriya), stressing the absolute nature of the right to life, including for unborn children, wondered why the draft resolution protected the right to life of criminals but not that of an innocent unborn child. His delegation would vote in favour of the proposed amendments and urged all Member States to do likewise.

57. **Mr. Khani Jooyabad** (Islamic Republic of Iran), stressing that protection of the right to life was the central purpose of the United Nations, welcomed in particular the proposal to change the title of the draft resolution. Although the current text of the draft resolution represented a cross-regional consensus, it did not fully reflect the views of all delegations. Time considerations had prevented his delegation from submitting a draft resolution dealing specifically with the right to life, but he looked forward to taking up that

issue at the Committee's next session in an appropriate manner.

58. **The Chairman** said that a recorded vote had been requested on the first amendment proposed by the representative of Egypt.

59. **Mr. Attiya** (Egypt) stressed that the issue of the right to life must be addressed in a comprehensive rather than selective manner. The amendments proposed by his delegation were perfectly in keeping with, for example, the second preambular paragraph of the text, and he called on all delegations to vote in favour.

60. **Ms. Molaroni** (San Marino), speaking in explanation of vote before the voting, said that while her delegation respected the right to life at all stages for all its citizens, including for the unborn, the proposed amendment was not relevant to the subject matter of the draft resolution and would alter its scope, purpose and content. Her delegation would therefore vote against the amendment.

61. **Mr. Rees** (United States of America) said that his delegation believed that the lives of the unborn must be protected and would vote in favour of the first proposed amendment. States opposing the death penalty should at least be equally scrupulous in showing concern for innocent life.

62. **Mr. González** (Costa Rica) said that his delegation believed that respect for the right to life began at the moment of conception; the right to life was the basis for respect for human dignity and human rights. Therefore, his delegation had become a sponsor of draft resolution A/C.3/62/L.29. However, it would vote against the amendment, which altered the scope and purpose of the draft resolution.

63. **Ms. Tomič** (Slovenia) recalled that the draft resolution was a cross-regional initiative. The proposed amendments were an attempt to alter its main focus, and her delegation called on all Member States to vote against them.

64. **Ms. Borjas Chávez** (El Salvador) said that her delegation, like the delegation of the Holy See, believed in the right to life at all stages of life, including from conception. The proposed amendment, however, detracted from the focus of the draft resolution and her delegation would vote against it.

65. **Mr. Makanga** (Gabon) said that the proposed amendments dealt with the fundamental issue of the right to life in general, a complex topic which could be considered by the Committee. He encouraged the Member States that supported the amendments to prepare a draft resolution for the Committee's next session. The focus of the draft resolution was more specific, however. His delegation would vote against the amendments and called on other Member States to do likewise.

66. **Ms. Picco** (Monaco) said that while her delegation certainly supported the principle of the right to life, the proposed amendments would detract from and change the focus of the draft resolution.

67. **Mr. Briz Gutiérrez** (Guatemala) said that his delegation supported the right to life, including from conception. He regretted that an issue which warranted comprehensive consideration by the Committee had been introduced in a partisan manner in the context of an unrelated draft resolution. He reiterated his delegation's belief that selective use was being made of the provisions of certain international instruments relating to the right to life, hindering objective and consistent respect for that right. Accordingly, it would abstain from the voting.

68. **Mr. Hayee** (Pakistan) said that the amendments were perfectly relevant. In accordance with the spirit of the Convention on the Rights of the Child, the draft resolution called on Member States to take whatever measures necessary to protect the lives of the unborn. If respect for the right to life was truly the basis for the draft resolution, there should be no problem affirming in that text the right to life of the unborn. His delegation would vote in favour of all the amendments.

69. **Ms. Cerna** (Honduras) said that her delegation opposed abortion and supported the right to life. The proposed amendments were not, however, relevant to the draft resolution and her delegation would vote against them.

70. **Ms. Péan Mevs** (Haiti) agreed that the right to life was a fundamental right and applied to the unborn, but that issue should be dealt with separately. The amendments were not relevant to the focus of the draft resolution and her delegation would vote against them.

71. **Ms. Halabi** (Syrian Arab Republic) said that the draft resolution took a selective approach to the right to life; her delegation would vote in favour of the

amendments proposed by the representative of Egypt with a view to making the text more balanced.

72. **Ms. Melon** (Argentina) said that the draft resolution dealt with a very specific concern of the international community by calling for a moratorium on the use of the death penalty with a view to encouraging States to explore alternatives to that punishment. The proposed amendments attempted to broaden the scope of the draft resolution and her delegation would vote against them.

73. **Mr. Suárez** (Colombia) said that his delegation would look forward to considering a comprehensive draft resolution on the right to life. The proposed amendments were not, however, relevant to the subject of the draft resolution. His delegation would therefore abstain from the voting.

74. **Mr. Llanos** (Chile) said that, at the appropriate time, his delegation would welcome a separate resolution on and discussion of the right to life, which was a fundamental human right. The proposed amendments would, however, distract from the focus of the current draft resolution and his delegation would vote against them.

75. **Mr. Peralta** (Paraguay) said that while his delegation fully supported the principle of right to life, the amendments were not relevant to the main focus of the draft resolution and his delegation would vote against them.

76. **Ms. Sánchez de Cruz** (Dominican Republic) said that her delegation was committed to respect for the right to life, including from conception. The proposed amendments were not, however, relevant to the draft resolution and would detract from its main focus.

77. **Ms. Moreira** (Ecuador) said that the right to life, including from conception, was an important element in international human rights instruments, including the Convention on the Rights of the Child. Her delegation would welcome discussion of that right with regard, for example, to a draft resolution on the right to life. The proposed amendments were not, however, pertinent to the main focus of the current draft resolution and her delegation would vote against them.

78. **Ms. Morgan-Moss** (Panama) said that her delegation would vote against the proposed amendments, which were not relevant to the main focus of the draft resolution.

79. *A recorded vote was taken on the first oral amendment to draft resolution A/C.3/62/L.29 proposed by Egypt.*

In favour:

Afghanistan, Bahrain, Botswana, Comoros, Democratic People's Republic of Korea, Egypt, Ethiopia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Maldives, Mauritania, Mongolia, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tonga, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Brunei Darussalam, Cambodia, Chad, Colombia, Congo, Côte d'Ivoire, Ghana, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Jamaica, Japan, Kenya, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Mali, Morocco, Myanmar, Namibia, Nauru, Nigeria, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Swaziland, Thailand, Togo, Trinidad and Tobago, Viet Nam, Zambia.

80. *The first oral amendment to draft resolution A/C.3/62/L.29 was rejected by 83 votes to 28, with 47 abstentions.*

81. **Mr. Attiya** (Egypt) said that his delegation was disappointed at the result of the vote. Some delegations had said that the amendment was not relevant, but they themselves had made reference to other international instruments dealing with the right to life.

82. **The Chairman** said that a recorded vote had been requested on the second oral amendment to draft resolution A/C.3/62/L.29 proposed by Egypt.

83. **Ms. Al-Shehail** (Saudi Arabia), speaking in explanation of vote before the voting, said that the right to life included all stages of life; therefore, all those who believed in human rights should join her delegation in voting in favour of the amendment.

84. **Mr. Al-Saif** (Kuwait) said that his delegation would vote in favour in order to give priority to the right to life.

85. **Mr. Attiya** (Egypt) said that the inherent right to life was well-established in the International Covenant on Civil and Political Rights and the Charter of the United Nations, yet some States which were party to those instruments were denying that fact. He urged their delegations to reconsider their position.

86. **Ms. Robles** (Spain) said that the only purpose of the amendment was to distort the real aim of the draft resolution, the progressive elimination of the death penalty. Therefore, her delegation would vote against the amendment.

87. **Mr. González** (Costa Rica) said that his delegation found the amendment irrelevant and would vote against it.

88. **Ms. Molaroni** (San Marino) said that her delegation agreed with the content of the amendment, but would vote against it because it was not consistent with the scope of the draft resolution.

89. **Ms. Al-Thani** (Qatar) said that her delegation would vote in favour of the amendment.

90. **Ms. Borjas Chávez** (El Salvador) said that her delegation did not see the relevance of the amendment and therefore would vote against it.

91. **Mr. Suárez** (Colombia) said that his delegation did not believe the proposed amendment was relevant and would abstain.

92. *A recorded vote was taken on the second oral amendment to draft resolution A/C.3/62/L.29 proposed by Egypt.*

In favour:

Afghanistan, Bahrain, Bangladesh, Botswana, Comoros, Egypt, Ethiopia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Myanmar, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Barbados, Belarus, Belize, Benin, Bhutan, Brunei Darussalam, Chad, Colombia, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Dominica, Equatorial Guinea, Ghana, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Jamaica, Japan, Kenya, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Mali, Morocco, Nauru, Nigeria, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Swaziland, Thailand, Togo, Trinidad and Tobago, United States of America, Viet Nam, Zambia.

93. *The second proposed oral amendment to draft resolution A/C.3/62/L.29 was rejected by 84 votes to 26, with 46 abstentions.*

94. **Mr. Rees** (United States of America) said that, while his delegation agreed that the lives of the unborn deserved the strongest possible protection and that countries advocating abolition of the death penalty ought to be willing to consider such protection, it had abstained in the vote because the scope of the amendment was broader than was necessary to address those issues.

95. **The Chairman** urged the representative of Egypt to withdraw his third proposed oral amendment.

96. **Mr. Attiya** (Egypt) said that, in the light of the adamant stance among delegations, he would withdraw his third amendment. He regretted that other delegations did not understand that there were differing perspectives on the right to life and wished that it had been possible to submit a separate draft resolution on that issue.

97. *The third proposed oral amendment to draft resolution A/C.3/62/L.29 was withdrawn.*

98. **The Chairman** invited the Committee to take action on draft resolution A/C.3/62/L.29 as a whole.

99. **Mr. Menon** (Singapore), referring to rule 129 of the rules of procedure of the General Assembly, moved that draft resolution A/C.3/62/L.29 should be adopted paragraph by paragraph.

100. **Mr. Davide** (Philippines) moved to oppose the motion by the representative of Singapore. It was plainly dilatory: delegations had been given ample opportunity to make statements and propose amendments to the draft resolution, all of which had thus far been rejected, and it would be divisive.

101. **Mr. Heller** (Mexico) and **Ms. Banks** (New Zealand), speaking in support of the motion to oppose division, said that their delegations favoured voting on the draft resolution as a whole.

102. **Mr. Attiya** (Egypt), speaking against the motion to oppose division, said that preventing others from expressing their views was against the principles of human rights and could be seen as coercive.

103. **Mr. Degia** (Barbados), speaking against the motion to oppose division, said that voting on the paragraphs of the draft resolution would allow for the free expression of a diversity of views, which should be given tolerance. Further, some of the sponsors of the draft resolution had requested votes on individual paragraphs of other draft resolutions, which indicated that a double standard was being applied.

104. *A recorded vote was taken on the motion to oppose division made by the representative of the Philippines under rule 129 of the rules of procedure.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Suriname, Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic

of Tanzania, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Bhutan, Cambodia, Chad, Equatorial Guinea, Gambia, Ghana, Guatemala, Kenya, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Mali, Morocco, Republic of Korea, Sri Lanka, Swaziland, Togo, Turkey, Turkmenistan, United States of America, Zambia.

105. *The motion to oppose division was adopted by 86 votes to 62, with 23 abstentions.*

The meeting rose at 1.10 p.m.